GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Smt.T.Suneetha D/o Jagajeevanram Occ: Special Officer KGB Vidyalam, R/o Donakonda, Prakasam District, against the Proceedings Rc.No.C4/472/2013, dated 10.02.2014 of the District Collector, Prakasam - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition dismissed – Orders Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.Ms.No.81. Dated:13.11.2015

Read the following:

1. Proceedings of the District Collector, Prakasam District, Rc.No.C4/472/2013, dated:10.02.2014.
2. Appeal Petition filed by Smt. T.Suneetha D/o Jagajeevanram Occ:Special Officer KGB Vidyalam, R/o Donakonda Prakasam District, dt. 28.03.2014 and received on 4.04.2014.
3. Govt. Memo No.4396/CV.2/2014,T.W(CV.2) Department, dated11.04.2014.
4. Orders of the High Court of Judicature of Andhra Pradesh, in Writ Petition No.11949/2014, 21.04.2014.
5. From the District Collector, Prakasam, Lr.Rc.C4/524/2014, dated:30.08.2014.
6. Govt. Memo No.4396/CV.2/2014, T.W(CV.2) Department, dt:14.10.2014, 24.11.2014, 23.02.2015.
7. Govt. Memo No.4396/CV.2/2014, T.W(CV.2) Department, dt:02.04.2015.

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ORDER:

In the reference 1st read above the District Collector, Prakasam has issued orders canceling ST-Yanadi Caste Certificate obtained from the then Tahsildar, Ardhaveedu on 1998 by Smt.T.Suneetha D/o Jagajeevanram, Prakasam District.

2. In the reference 2nd read above, Smt.T.Suneetha D/o Jagajeevanram, Prakasam District has filed an Appeal Petition before the Government, against the said Proceedings of the District Collector, Prakasam. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, Prakasam in the reference 3rd read above.

3. Smt.T.Suneetha D/o Jagajeevanram, Prakasam District has filed Writ Petition No.11949/2014 against the Proceedings of the District Collector, Prakasam, dated 10.02.2014. In the reference 4th read above the Hon'ble High Court of Andhra Pradesh, while disposing the said WP, in its order dated 21.04.2014 has directed to consider the petitioner's appeal along with the application for stay and pass appropriate orders atleast to the extent of the stay petition on or before 15.06.2014. and till then proceedings of the District Collector, dated 10.02.2014 shall not be given effect. But due to several administrative difficulties the appeal petition could not be disposed off within the time limit as directed by Hon'ble High Court.

4. In the reference 5th read above, the District Collector, Prakasam has furnished the Parawise remarks and connected records on the appeal petition filed by Smt.T.Suneetha D/o Jagajeevanram, Prakasam District.

5. The said Appeal Petition has been posted for hearing on 14.10.2014, 24.11.2014, 23.02.2015 and finally on 18.04.2015 and the same has been informed to the Appellant and the Counsel for the Appellant and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the Community claim, failing which, it will be construed that there is no claim what-so-ever in the matter and it will be decided based on the material available with the Government in the references 6th and 7th read above.

[P.T.O]

6. After examination of the records/ the copies of evidences/academic record/ grounds filed by the Appellant /the parawise remarks submitted by District Collector, Prakasam and proceedings of the District Collector, Prakasam dated:10.02.2014, it is observed that Smt. T. Suneetha is the daughter of Thummalapalli Jagajeevan Ram and Eswaramma. The parents of the Appellant originally belongs to Balija by caste which comes under OC category. At the age of 12, she was given into adoption by her parents to Sri Savaram Anakaiah and Ankamma couple, who belongs to Yenadis – ST through an unregistered document and after her adoption, her original parents entered her caste as Yenadis in School Records and after completion of M.A. (Hindi) course, she got the job as Hindi Pandit under ST Quota. Basing on production School Record, which was prepared undoubtedly based on declaration given by her parents at the time of admission, she has obtained ST – Yenadi caste certificate from the Tahasildar Ardhaveedu. She is married to her maternal uncle, who come under OC- Balija caste. It is clearly revealed that Smt. T. Suneetha D/o Jagajjieevanram originally belongs to Balija which comes under OC, but with a malafide intention, the Parents of the individual has given into adoption to ST-Yenadi couple and entered her caste as Yenadi ST in school records and continued throughout her education as ST and she finally got appointment under ST quota as Hindi Pandit in Education Department. She has obtained ST caste certificates from the Tahasildar Markapur and MRO Ardhveedu basing on production of the school records only.

7. Further it is observed that in Circular Memo. No. 10956/CV1/97-2, S.W (CV) Department, dt.16.2.1998 instructions were issued by the Government for issuance of Caste Certificates. As per the said instructions, the adoption rules are as follows:

I. In deciding whether an adoption is valid, the certificate issuing Authority should satisfy himself that all the requirements of law have been complied with. He should also take into account the behavior of the child after adoption whether he physically lives with and is supported by his adoption parents and receives no financial help from his original parents. In case these conditions are not satisfied, the certificate should be refused.

II. The Caste Certificates in case of adoption children by Scheduled Caste and Scheduled Tribe parents, the powers are delegated to Joint Collectors. The Joint Collectors should exercise greater care in issuing of this type of certificate.

III. The Caste Certificates in the above cases shall be issued only for the children below 15 years of age. The adopted children should live for a minimum period of 5 years with the adopted parents for issue of Caste Certificates in the adoption cases.

Therefore the Appellant's said adoption is not valid. It is clear that as per Circular Memo.No.10956/CV1/97-2, S.W.(CV) Department, dt.16.2.1998, she cannot claim the benefits of ST, even though there is adoption .

8. Further, based on the recommendations of DLSC, the Dist. Collector Prakasam has cancelled the Yenadi-ST caste Certificate of the Appellant, as she does not belong to Yenadi-ST, but belong to Balija-OC. The appellant was given ample opportunity to prove her caste as ST-Yenadi but she did not place any evidence to prove that she belong to ST-Yenadi, but not otherwise., Government have examined the entire record & material relevant to the instant case and it is decided that there is no infirmity found either in the order of the learned DLSC or the District Collector, Prakasam.

9. The Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decided that the Appeal Petition filed by Smt.T.Suneetha D/o Jagajeevanram, Prakasam District, does not deserve any interference. Hence, Proceedings of the District Collector, Prakasam issued vide Rc.No.C4/472/2013, dated 10.02.2014, is hereby upheld and the Appeal Petition filed by Smt.T.Suneetha D/o Jagajeevanram, is hereby dismissed and the Certificate issued by the then Tahsildar, Ardhaveedu deemed to be cancelled.

[Contd…]

10. Consequently, the District Collector, Prakasam shall take necessary action in the matter.

11. The records (containing Rc.No.C4/472/2013, dated 10.02.2014, pages 01 to 130 cf, pages 1-22 nf) received from District Collector, Prakasam, through the reference 5th read above, are returned herewith in original to District Collector, Prakasam and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. A. VIDYA SAGAR
PRINCIPAL SECRETARY TO GOVERNMENT (TW)

To
The District Collector, Prakasam.(w.e)
(with original records)

Smt.T. Suneetha D/o Jagajeevanram
Occ:Special Officer KGB Vidyalam,
R/o Donakonda, Prakasam District

Sri I.Koti Reddy,Advocate,
16-11-781/6, Vijetha Shyamal Towers,
Moosarambagh, Malakpet, Hyderabad - 36.

Copy to
The Director, TCR& TI, AP, Hyderabad
(with a request to attend the said hearing along with relevant material)
P.S. to Hon'ble Minister (SWE&TWE).
P.S. to Principal Secretary(TW).

// FORWARDED :: BY ORDER //

SECTION OFFICER